RECORD AND BRIEFS

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IN THE

Supreme Court of the United States

AGENCY FOR INTERNATIONAL DEVELOPMENT, ET AL.,

Petitioners,

—v.—

ALLIANCE FOR OPEN SOCIETY INTERNATIONAL, INC., ET AL.,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

BRIEF OF *AMICI CURIAE* COALITION AGAINST TRAFFICKING IN WOMEN, EQUALITY NOW, ET AL., IN SUPPORT OF REVERSAL

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INTEREST OF THE *AMICI CURIAE*

Pursuant to Supreme Court Rule 37, the Coalition Against Trafficking in Women, Equality Now, and forty-four more organizations, respectfully submit this brief as *amici curiae* supporting reversal of the decision below.*

Amici are nongovernmental organizations, many led by survivors of prostitution and trafficking, which provide HIV/AIDS prevention services and other assistance to women, men, and children in prostitution. *Amici* can attest with firsthand knowledge to the violence and coercion endemic in the sex-for-money industry—legalized or illegal—where sexual exploitation and sexual assault lead to the rampant transmission of HIV/AIDS.

In this case, the Second Circuit affirmed a preliminary injunction against enforcing 22 U.S.C. § 7631(f), a provision of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 ("Leadership Act"), 22 U.S.C. § 7601 *et seq*. That provision imposes a requirement on organizations seeking federal funding for HIV/AIDS programs under the Act: having or adopting a policy explicitly opposing prostitution and sex trafficking. In light of the vulnerable populations they serve, and the importance of combating HIV and AIDS in those populations, *amici*

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* Pursuant to Rule 37.6, *amici* state that no counsel for a party authored this brief in whole or in part, nor did any person or entity, other than amici or their counsel, make a monetary contribution to fund the preparation or submission of this brief. This brief is filed with the written consent of all parties pursuant to this Court's Rule 37.3(a). Copies of the requisite consent letters have been filed with the Clerk of this Court.

have a direct and substantial interest in whether the provision is constitutional.

Amici subscribing to this brief are forty-six organizations and individuals:[1]

1. Abolish Slavery;
2. Aboriginal Women's Action Network;
3. A Call To Men;
4. Apne Aap;
5. Associazione Degli Africani in Piemonte
6. Association IROKO;
7. ASOMUPCAR;
8. Bangladesh National Women Lawyers Association;
9. Bangladesh Society for the Enforcement of Human Rights;
10. Bilateral Safety Corridor Coalition;
11. Breaking Free;
12. Buklod Center
13. CATWALAC Mercosur
14. Coalition Against Trafficking in Women;
15. Coalition Against Trafficking in Women and Girl in Latin America and the Caribbean;
16. Coalition Against Trafficking in Women, Asia-Pacific
17. Coalition Against Trafficking in Women Australia;
18. Courtney's House;
19. Defensoras Populares;
20. Embrace Dignity;
21. Equality Now;
22. Fundación CEDAI;

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[1] A description of the *amici* can be found in Appendix A to this brief.

23. Hagamos el Camino para una Vida Mejor;
24. Hunt Alternatives Fund;
25. Instituto De Estudios De La Mujer "Norma Virginia Guirola De Herrera";
26. Interamerican Platform of Human Rights, Argentinean Chapter;
27. Kvinnefronten (Women's Front);
28. Mediterranean Network Against Trafficking in Women;
29. MensWork;
30. Minnesota Indian Women's Resource Center;
31. Minnesota Men's Action Network: Alliance to Prevent Sexual and Domestic Violence;
32. Ms. Bridget Perrier;
33. Ms. Sigma Huda, Former United Nations Special Rappatour on Human Trafficking;
34. Mujeres Transformando el Mundo;
35. National Women's Coalition Against Violence & Exploitation;
36. Oficina Jurídica para la Mujer;
37. Prostitution Research & Education;
38. Restore NYC;
39. Roks, the National Organization for Women's Shelters and Young Women's Shelters in Sweden;
40. Sex Trafficking Survivors United;
41. Sextrade 101;
42. Stigamot;
43. The E.V.A. Center;
44. The Miramed Institute;
45. Trafficking in America Task Force; and
46. Veronica's Voice

SUMMARY OF THE ARGUMENT

Congress has determined that the eradication of HIV/AIDS can only be achieved by abolishing its root causes. Congress found, and *amici* agree, that two of the key drivers of HIV/AIDS are prostitution and sex-trafficking, which rapidly and tragically spread the disease among unknowing and powerless victims.

Despite this, the Court of Appeals for the Second Circuit observed that the "stated purpose of the Leadership Act is to fight HIV/AIDS, . . . and Defendants cannot now recast the Leadership Act's global HIV/AIDS-prevention program as an anti-prostitution messaging campaign."[2]

The Court of Appeals' sweeping refusal to recognize the most obvious linkage between preventing HIV/AIDS and eradicating prostitution and sex trafficking is incomprehensible. The Second Circuit, like Respondents and *amici* in support of Respondents in the lower courts, did not even mention sex trafficking in its summary description of Congress's policy.[3] Moreover, its summary description of a policy opposed to sex trafficking and prostitution as merely "an anti-prostitution messaging campaign" reveals a fundamental misunderstanding of the gravity of the human-rights abuses at stake, and their impact on the HIV/AIDS pandemic. It is an unfortunate testament to the success of the sex industry in de-sensitizing society to the blatant degradation and

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[2] *Alliance for Open Soc'y Int'l, Inc. v. U.S. Agency for Int'l Dev.*, 651 F.3d 218, 237-38 (2012).

[3] *See id.*

adverse health consequences that result from selling and purchasing people, mostly women and children in conditions of poverty, for sex. Prostitution has been branded inevitable; the world's oldest profession. On the contrary, prostitution, which most often takes the form of sex trafficking, is the world's oldest oppression, one that "endanger[s] the welfare of the individual, the family and the community . . . ."[4]

Of all of the grave harms resulting from purchasing people for sexual exploitation, nothing could be more manifestly obvious than the risk of contracting a sexually-transmitted disease. It is therefore very difficult to understand how the Second Circuit arrived at its conclusion that adding a condition to oppose one of the root causes of HIV/AIDS was "re-casting" the policy with an entirely different purpose.

HIV/AIDS is rampant among victims of prostitution and sex trafficking in regions where so-called sex tourism is prevalent. Thai Police Lieutenant Colonel Suchai Chindavanich agrees, explaining that, "'[t]he main concern of the [Thai] government is that prostitution should not be a long-term occupation, because this leads to the spread of HIV and other crimes.'"[5]

The risk of HIV/AIDS exposure faced by victims of prostitution and sex trafficking is closely linked

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[4] Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, G.A. Res. 317 (IV), U.N. Doc. A/1164, at preamble (Dec. 2, 1949).

[5] Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery* 67 (2009).

to the other forms of abuse pervading the sex industry: the targeting of victims made vulnerable by myriad factors such as poverty or childhood sexual abuse; the use of violence by pimps, johns,[6] and traffickers to impose their will on prostituted individuals; and the very nature of the commercial sex industry, which is pervaded by sex trafficking, i.e., sexual exploitation induced at minimum by "an abuse of power or a position of vulnerability,"[7] and with great frequency by tactics of force, fraud and/or coercion.[8] By definition, this brutal industry exposes those exploited in it to a wide array of physical and psychological harm.[9]

[6] Individuals who patronize prostituted persons.

[7] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, G.A. Res. 55/25, U.N. Doc. A/RES/55/25, art. 3 (Nov. 15, 2000) [hereinafter Palermo Protocol].

[8] Trafficking Victims Protection Act of 2000 § 102(b)2, 22 U.S.C. § 7101(b)(2) (2006).

[9] While *amici* do not conflate prostitution and trafficking and acknowledge that not all individuals in the commercial sex industry are or were under the control of a trafficker, we have learned both from our work on the ground with victims and survivors and from available research, that most individuals in the industry entered as children exploited by adults, as recognized by the Trafficking Victims Protection Act, 22 U.S.C. § 7101(b)(4) (2006); that the vast majority of people in prostitution are induced into it by "the abuse of power or a position of vulnerability," a means of trafficking identified by the Palermo Protocol, *supra* note 7, art. 3, and that once in the commercial sex industry, it is extraordinarily difficult for prostituted people to exit, as the result of addiction, trauma and other psychological injury, and subtle and not so subtle tactics of coercion employed by sex industry profiteers.

Amici respectfully contend that any organization that believes it can help eradicate HIV/AIDS while turning a blind eye to one of the disease's inherent causes is not effectively using U.S. government funds. Rather, it is undermining the very purpose of those funds. Moreover, any organization that blatantly disregards the human rights abuses resulting from purchasing people for sexual exploitation is operating under a paradigm that contravenes international and domestic law.

Amici respectfully but adamantly reject the notion espoused by Respondents that it is impossible to do effective HIV/AIDS-prevention work among prostituted people while condemning the industry in which victims of prostitution are exploited and abused. Programs seeking to reduce the harms of prostitution and sex trafficking are most effective if they uphold basic notions of human rights and dignity; programs that help victims escape commercial sexual exploitation and develop alternative sustainable means of livelihood, as *amici* do with the women, men, and children they serve. Tellingly, escape from prostitution is the outcome that persons in prostitution say they most want.[10] To identify the commercial sex industry as a system of exploitation, discrimination and abuse is not to stigmatize its victims; it is to stand in solidarity with them. To oppose prostitution and sex trafficking means to reject

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[10] *See* Melissa Farley et al., *Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder*, 2 J. Trauma Prac. 33, 51 (2003) [hereinafter Farley, *Prostitution and Trafficking*]; Dorchen A. Leidholdt, *Prostitution and Trafficking in Women: An Intimate Relationship*, 2 J. Trauma Prac. 167, 171 (2003).

the notion that vulnerable people should accept as their fate being bought and sold under the euphemism of "sex work,"[11] a term that not surprisingly was originated by the sex industry itself in an effort to legitimize prostitution as a form of work.

Amici do not address the legal arguments in this case but rather the policy contentions that have been placed at issue. *Amici* argue that there are compelling reasons to require that public HIV/AIDS-prevention funds be directed to organizations that conduct harm-reduction efforts with an ultimate view to harm elimination; to help individuals establish the free and practical choice

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[11] In their Complaint in this case filed with the U.S. District Court for the Southern District of New York, Alliance for Open Society International, Inc. and Open Society Institute ("Respondents" here) claimed that the terms "sex work" and "sex worker" are "the terms generally used in the public health and international relief fields." Pls.' Compl. 1. This claim is inaccurate. The phrases "sex work" and "sex worker" are associated with a certain political view concerning prostitution: specifically, the view that prostitution should be considered a form of employment and should be legalized and treated as a job like any other. The term "sex work" usually signals agreement with this point of view and is very far from being "generally used." For example, the United Nations has not used the term in its Conventions, Protocols, and Declarations—not even in its most recent protocol on trafficking, now ratified by almost 100 countries, including the United States. *See* Protocol To Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Dec. 15, 2000, 2237 U.N.T.S. 319. The State Department notes that "[t]erms such as 'child sex worker' are unacceptable because they falsely sanitize the brutality of this exploitation." U.S. Dep't of State, *Trafficking in Persons Report 2008*, at 26 (2008), *available at* http://www.state.gov/documents/organization/105501.pdf.

of a life outside of the sex industry. Organizations that support the notion that persons should be bought and sold for the sexual use and profit of others directly undermine any goal of HIV/AIDS-prevention.

To regard the government's policy against prostitution and sex trafficking as merely incidental to the fundamental purpose of the Leadership Act is to completely disregard both the immense importance of an organization's policy on prostitution and sex trafficking and the Act's clear and unambiguous choice to promote reduction of HIV/AIDS within a framework that explicitly condemns prostitution and sex trafficking as abuses of human rights. The United States has compelling reasons to decide that its funds are better spent on organizations whose approach will, in the long run, be far more effective.

Amici contend that: (A) the prostitution and sex-trafficking industry is inherently harmful; (B) opposing the legalization and legitimization of prostitution lies at the heart of any effective program aimed at eradicating HIV/AIDS; (C) opposition to this exploitation does not require stigmatizing or criminalizing its victims, but recognizes and supports their basic human rights; (D) the Leadership Act requires opposition to the legalization and practice of prostitution and sex trafficking; and (E) the provisions of the Leadership Act were enacted in response to specific abuses documented prior to its enactment.

ARGUMENT

A. Prostitution and sex trafficking are forms of abuse and exploitation.

Prostitution and sex trafficking proliferate the spread of HIV/AIDS as violence, coercion and gender inequality further an environment of sexual abuse and coerced unprotected sex. In that setting, victims of prostitution are at high risk of contracting sexually transmitted diseases.

The harms of prostitution and sex trafficking are so profoundly linked to gender, class, and racial inequality as to make the commercial sex industry one of the world's most extreme systems of discrimination and human rights abuse. Its victims are overwhelmingly female and overwhelmingly poor.[12] They are made vulnerable by the disadvantaged status of women in many regions, by the childhood sexual abuse for which girls are disproportionately targeted, and by the desperation induced by poverty.[13] Once in prostitution, victims' status falls even lower and their life prospects are more sharply curtailed.[14] International sex trafficking and sex tourism have contributed to the already-strong role of racial and ethnic discrimination in prostitution, with men from richer industrialized countries purchasing women from developing or impoverished regions.[15]

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[12] Leidholdt, *supra* note 10, at 171.

[13] *Id.*

[14] *See* Wendy Freed, *From Duty to Despair: Brothel Prostitution in Cambodia*, 2 J. Trauma Prac. 133, 143 (2003).

[15] Leidholdt, *supra* note 10.

Among prostituted women, undocumented women trafficked from poor countries often suffer the greatest exposure to the most harmful and unsafe practices within prostitution.[16] In short, prostitution and sex trafficking are both the cause and effect of cruel and entrenched inequalities: while victims suffer in conditions of poverty, sex traffickers reap handsome rewards, selling, for example, prostituted Asian women and girls in Japan—or the United States—for up to $20,000 each.[17] Indeed, prostitution almost invariably is a form of violence against women that deprives them of human dignity through cruel, degrading, discriminatory and traumatic acts.[18]

Coercion is endemic from the start: violence paves most victims' entry into prostitution, particularly against children. The average newly-recruited prostituted person in the United States is between 13 and 14 years old.[19] By conservative estimates, two million more girls aged five to fifteen are brought into the commercial sex industry

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[16] *Id.*

[17] Press Release, U.N. Dep't of Pub. Info., New Global Treaty To Combat Sex Slavery of Women and Girls, U.N. Doc. DPI/2098 (Feb. 2000).

[18] *See* Comm. on the Elimination of Discrimination Against Women, 11th Sess., 1992, General Recommend. No. 19, ¶¶ 1, 4, 6, 7, 10, 12-16, 24, U.N. Doc. A/47/38 (1992) (recognizing prostitution as a practice of discrimination against women under the Convention Against All Forms of Discrimination Against Women); *see also* Catharine A. MacKinnon, *Prostitution and Civil Rights*, 1 Mich. J. Gender & L. 13, 26 (1993).

[19] Farley, *Prostitution and Trafficking*, *supra* note 10, at 35.

each year.[20] Studies of prostituted persons consistently reveal that a majority were sexually abused as children, and that their early abuse facilitated their entry into prostitution.[21]

Once recruited, persons in prostitution typically experience daily violence, including routine physical assault, rapes and beatings—these apart from being used as a sexual object through prostitution and trafficking, which the victim experiences as sexual abuse. In transnational research on the commercial sex industry, including that of the United States, seventy-one percent of people in prostitution had been physically assaulted; sixty-three percent said they had been raped.[22] A study in Portland, Oregon found that prostituted persons were raped once a week on average.[23] Notably, in countries that have legalized prostitution in an effort to reduce its harms, rates of assault and rape against prostituted persons remain extremely high.[24]

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[20] U.N. Population Fund, *The State of World Population* 2006, at 26 (2000), *available at* http://www.unfpa.org/webdav/site/global/shared/documents/publications/2000/swp2000_eng.pdf.

[21] Farley, *Prostitution and Trafficking*, *supra* note 10, at 35.

[22] *Id.* at 33-34, 44.

[23] Susan Kay Hunter, *Prostitution is Cruelty and Abuse to Women and Children*, 1 Mich. J. Gender & L. 91, 92 (1993).

[24] *See generally* Ine Vanwesenbeeck et al., *Professional HIV Risk Taking, Levels of Victimization, and Well-Being in Female Prostitutes in the Netherlands*, 24 Archives Sexual Behav. 503 (1995).

Survivors of the commercial sex industry report that the trauma associated with physical danger is matched by the trauma associated with constant sexual degradation, with having one's body sold and purchased as a commodity. Many survivors have reported that, to cope with the psychological degradation of prostitution, they develop a dissociation response—a sense of splitting off a part of the self, of "leav[ing] my body," of going "someplace else mentally."[25] The aftermath of this coping mechanism is the high incidence of dissociative disorders diagnosed in individuals emerging from prostitution.[26]

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[25] *See, e.g.*, Evelina Giobbe, *Prostitution: Buying the Right To Rape, in Rape and Sexual Assault III: A Research Handbook* 143, 144 (Ann Wolbert Burgess ed., 1991) ("I would numb my feelings. I wouldn't even feel like I was in my body. I would actually leave my body and go somewhere else with my thoughts and with my feelings until he got off, and it was over with. I don't know how else to explain it except that it felt like rape. It was rape to me."); Cecilie Hoigard & Liv Finstad, *Backstreets: Prostitution, Money and Love* 132 (1986) ("Regardless of the variations in the type of prostitution, women feel that they have to rent out the most intimate parts of the body to anonymous strangers to use as a hole to jerk off in. The women try to keep themselves as unharmed as possible from this massive invasion by maintaining a distance from the customer."); Anonymous, *Stories, in Sold Out: A Recovery Guide for Prostitutes Anonymous* (J.L. Williams ed., 1991) ("I would just go someplace else mentally as well as emotionally. Soon I just lost track of days at a time. When I was awake, I started feeling 'invisible.' When I would come back home from a call, I used to stand in front of a mirror and pinch myself just to see if I was real. Spending months with people just looking at your body can make you wonder if 'you' exist at all.")

[26] *See* Colin A. Ross, Melissa Farley & Harvey L. Schwartz, *Dissociation Among Women in Prostitution*, 2 J. Trauma Prac. 199, 209 (2003).

The health consequences for victims of the commercial sex industry are serious, commonly including tuberculosis, sexually transmitted diseases, substance abuse, sleeplessness, depression, cervical cancer, hepatitis, brain injury resulting from head trauma, anxiety disorders, dissociative disorders, infertility, and early mortality.[27]

According to columnist Nicholas Kristof, "[t]he mortality data for prostitute[d] [persons] is staggering."[28] He notes a meticulous study by the Journal of Epidemiology that found that the "workplace homicide rate for prostitutes" is fifty-one times that of the next most dangerous occupation for women: working in a liquor store.[29] The average age of death of the prostituted women in

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[27] *See* Melissa Farley, *'Bad For the Body, Bad for the Heart': Prostitution Harms Women Even if Legalized or Decriminalized*, 10 Violence Against Women 1087, 1097 (2004) [hereinafter Farley, *Prostitution Harms Women*]; Farley, *Prostitution and Trafficking*, *supra* note 10, at 52-53. Prostitution likewise affects mental health. Individuals living in prostitution or emerging from prostitution—mostly female, and mostly young—exhibit symptoms of mental and emotional trauma at levels that are comparable to the mental health injuries sustained by survivors of combat or rape. A 2003 study of 854 people living in or recently emerged from prostitution found that sixty-eight percent of them exhibited post-traumatic stress disorder. Farley, *Prostitution and Trafficking*, *supra* note 10, at 34. This prevalence rate is comparable to rates found among combat veterans seeking treatment, battered women seeking shelter, rape survivors, and survivors of state-sponsored torture. *Id.* at 56.

[28] Nicholas D. Kristof, *Do as He Said*, N.Y. Times, Mar. 13, 2008, http://www.nytimes.com/2008/03/13/opinion/13kristof.html?_r=0.

[29] *Id.*

the study was thirty-four.[30] The conclusion of the study was that "[w]omen engaged in prostitution face the most dangerous occupational environment in the United States."[31]

HIV/AIDS infection is one of the leading causes of death among prostituted persons.[32] The reasons are clear: lack of negotiating power and ongoing sexual violence. Even where no physical coercion is involved, the insistence of johns to not use condoms threatens the safety of prostituted persons.[33] Women in prostitution report that seventy-three percent of men offered to pay more for sex without a condom; and forty-five percent said that they were abused when they insisted that men use condoms.[34]

When this case was before the Second Circuit, the American Humanist Association and the American Civil Liberties Union, among others, submitted an *amicus curiae* brief in support of Respondents Alliance For Open Society International, Inc., and Open Society Institute (the "ACLU brief"). The ACLU brief acknowledged the inherent lack of negotiating power of women

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30 *Id.*

31 *Id.*

32 *See AIDS stalks imported sex slaves*, South China Morning Post, Nov. 10, 2003.

33 *See* Janice G. Raymond et al., Sex Trafficking of Women in the United States: International and Domestic Trends 11, 72, 73, 81, 82 (March 2001) (unpublished report), *available at* https://www.ncjrs.gov/pdffiles1/nij/grants/187774.pdf [hereinafter Raymond et al., Report].

34 *Id.* at 11.

sold for sex when they described "*attempts* by sex workers to persuade clients to use condoms . . . ."[35]

Attempting to persuade clients to use condoms is a far cry from the notion espoused by Respondents that prostituted women "are the best educators of their male clients," as described by an official of SANGRAM cited in the ACLU's brief.[36]

In the context of abuse and violence, prostituted persons and children are coerced into unsafe sex, and face the risk of rape or assault on a daily basis.

B. Recognizing and opposing the grave harms of the prostitution industry lies at the heart of any effective program to combat the spread of HIV/AIDS

Contrary to the claims contained in the ACLU brief submitted to the Second Circuit, the U.S. government's decision to solely fund those organizations that oppose prostitution and sex trafficking does not represent an irrational policy choice bound to inflict harm on prostituted victims and trafficked individuals. In fact, *amici*'s extensive experience demonstrates that the policy of opposing prostitution and sex trafficking fosters the organizations' ability to provide effective long-term assistance against the increased risk of

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[35] Brief for the American Humanist Ass'n. et al. as Amici Curiae in Support of Plaintiff-Appellees, *Alliance for Open Soc'y Int'l, Inc. v. U.S. Agency for Int'l Dev.* at 20 n.30, 651 F.3d 218 (2010) (emphasis added).

[36] *See id.* at 20 n.30 (citing The Network of Sex Work Projects, *Taking the Pledge: the USAID PEPFAR Clause, Sex Work, & HIV Prevention*, Youtube, http://blip.tv/sexworkerspresent/taking-the-pledge-185356).

HIV/AIDS. In order to work effectively against the harms inflicted by prostitution, including exposure to HIV/AIDS, it is essential to identify the industry of prostitution and sex trafficking for what it is: a global marketplace in which organized criminal entities and other profiteers reap billions annually from the sexual exploitation and enslavement of the most vulnerable women and children in the world, and as a system of abuse, of exploitation, of discrimination, of violence. It is also essential to confirm victims' belief that they are entitled to something better than a life of increasing physical and psychological trauma in sexual servitude and to avoid any appearance of condoning the systematic exploitation perpetrated by pimps and johns. Legalization of prostitution does not stop its harms. Legalization does not mean, for example, that people in prostitution will be spared from unprotected sex. Because buyers are willing to pay more money for sex without condoms, and because women and children in prostitution are under the control of pimps, brothel owners, and other sex industry entrepreneurs, extremely risky sex acts "can always be purchased."[37] Nor can legalization protect prostituted

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[37] Bebe Loff, Cheryl Overs & Paulo Longo, *Can Health Programmes Lead to Mistreatment of Sex Workers?*, 361 Lancet 1982, 1982 (2003); *see also* H. Patricia Hynes & Janice G. Raymond, *Put in Harm's Way: The Neglected Health Consequences of Sex Trafficking in the United States, in Policing the National Body: Sex, Race, and Criminalization* 197, 217 (2002) (discussing the high percentage of sex-industry buyers unwilling to use condoms and willing to pay extra for sex without condoms, the high physical and economic vulnerability of prostituted women and their corresponding low bargaining power regarding condoms, and the high percentage of prostituted women who have experienced condom breakage).

persons from violent attacks by buyers. In an upscale legal brothel in Australia rooms are equipped with panic buttons, but a bouncer reports that the women's calls for help can never be answered quickly enough to prevent violence by johns, which occurs regularly.[38] Indeed, legalization cannot stop any of the other abuses associated with illegal prostitution, such as brutal physical violence against prostituted women and children by pimps, the influence of organized crime in the sex industry, or the trafficking of women and children for purposes of prostitution.

Countries where prostitution has been legalized in an effort to reduce its harms have experienced quite the opposite result: huge growth in the *illegal* sex industry. This is because legalizing prostitution creates a hospitable environment for sex tourists and other buyers, driving up demand for illegal, unregulated prostitution. And there is a corresponding impact on human trafficking. Local women constitute an inadequate "supply," so women and girls are trafficked in to meet the demand. The result is that legalization not only places the imprimatur of the state on the violence and abuse intrinsic to the prostitution industry, but also increases both legal and illegal prostitution.[39]

Following the legalization of prostitution in the Australian state of Victoria, legal brothels prolif-

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[38] Sheila Jeffreys, *The Legalisation of Prostitution: A Failed Social Experiment*, Women's Health Watch Newsletter (Sandra Coney, ed. 2003), *available at* http://www.womens-health.org.nz/the-legalisation-of-prostitution-a-failed-social-experiment.html.

[39] Leidholdt, *supra* note 10, at 167-83.

erated, but *illegal* brothels metastasized by three hundred percent in one year.[40]

Less than a decade after legalizing its brothels, the Dutch government has come to realize that legalization has serious problems. Prostitution was legalized in the Netherlands in 2000, already a one billion dollar industry,[41] with the hopes of making prostitution safer for women. The opposite has occurred. Police are now saying that legalization has made it more difficult to combat human trafficking.[42] Of the thousands of prostituted people in The Netherlands now, some eighty percent are foreign-born, revealing the unwillingness of Dutch women to voluntarily work in prostitution, and seventy percent are undocumented and unlicensed.[43] These undocumented women, the vast majority of prostituted persons in the Netherlands, receive no protection from the much-touted statutory regime in place. They face ongoing violence and abuse while the situation worsens. The mayor of Amsterdam has now publicly stated that "'We realize that this hasn't

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[40] Janice G. Raymond, *Ten Reasons for Not Legalizing Prostitution and a Legal Response to the Demand for Prostitution*, 2 J. Trauma Prac. 315, 320-21 (2003) [hereinafter Raymond, *Ten Reasons*].

[41] Hannah Carrigg, *Prostitution Regimes in the Netherlands and Sweden: Their Impact on the Trafficking of Women and Children in Illicit Sex Industries*, Monitor: J. Int'l Stud., Fall 2008, at 7-8.

[42] Peter Cluskey, *Abuse, Misery and Criminality Behind the Legal Sex Trade*, Irish Times, Mar. 17, 2012, http://www.irishtimes.com/newspaper/world/2012/0317/1224313471972.html.

[43] Carrigg, *supra* note 41, at 10.

worked, that trafficking in women continues . . . ."[44]

If legalization drives up demand, the only way to prevent a corresponding increase in HIV/AIDS is to ensure safer sex. However the notion that condom distribution is, by itself, sufficient to protect prostituted persons from HIV/AIDS is simply inconsistent with the realities *amici* have confronted in the sex industry. Pimps and sex traffickers commonly employ a range of techniques, ranging from emotional manipulation to vicious physical and sexual violence, in order to control the persons being sold and maximize profits. Unprotected sex is one such technique as prostituted persons do not have the bargaining power to demand consistent use of condoms.[45] Studies consistently demonstrate the ability of customers to demand sex without a condom where the vastly unequal power of a prostituted person means that she or he does not have the physical or economic power to refuse.[46] For example, one study found that eighty-nine percent of Canadian customers of prostituted persons refused condoms.[47]

The success of HIV education to control rates of infection where prostitution has been legalized is

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[44] Marlise Simons, *Amsterdam Tries Upscale Fix for Red-Light District Crime*, New York Times, Feb. 24, 2008, http://www.nytimes.com/2008/02/24/world/europe/24amsterdam.html?pagewanted=print&_r=0.

[45] *See* Farley, *Prostitution Harms Women*, *supra* note 27, at 1110; Leidholdt, *supra* note 10, at 168; Raymond et al., Report, *supra* note 33, at 72-73.

[46] Farley, *Prostitution Harms Women*, *supra* note 27, at 1109-10.

[47] *Id.* at 1110.

also questionable. In Senegal, prostitution is government regulated on the belief that regulated, legalized prostitution will lower rates of HIV. The government requires prostituted women to register themselves. In exchange, they receive monthly check-ups and HIV counselling. Yet in a study comparing rates of HIV in registered women that were educated about HIV, and non-registered women who had not received any HIV education, the rates of HIV infection among registered women was higher.[48]

Where safer sex education is combined with legitimizing prostitution as work, abuses are inevitable. In Kerala State, India, social workers agreed, in exchange for access to the brothels, "to ignore the presence of prostituted children and not to advocate escape from prostitution by informing the women about available services."[49]

Moreover, supporting the growth of the commercial sex industry will only serve to stimulate, facilitate, normalize, and generate profits from sex trafficking, a clearly egregious human rights violation. More than two million children are exploited annually in the global sex trade.[50] The Internet facilitates prostitution for pimps and johns alike. Human trafficking can be conducted via telephone and satellite transmissions. As a result, human traffickers no longer have to travel

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[48] *Id.* at 1112.

[49] *Id.* at 1114.

[50] U.S. Dep't of State, Trafficking in Persons Report 2008, at 26 (2008) available at http://www.state.gov/documents/organization/105501.pdf.

within the United States or abroad to secure the purchase of women and children for sex slavery.

The lived experiences of those subjected to prostitution and sex trafficking reveal a wide array of physical and psychological harms that are interrelated and mutually reinforcing. Violence and harm are not separate problems that exist side-by-side with prostitution; they are intrinsic to the commercial sex industry's very existence. Survivors of prostitution and sex trafficking, including the ones who lead organizations appearing here as *amici*, are well acquainted with this array of harms. These intrinsic aspects of the industry exacerbate another harm: the risk of HIV/AIDS transmission. Legalization, in countries where it has been tried, has not succeeded as a strategy for helping prostituted individuals, or reducing HIV-AIDS.[51]

It is important to note, however, that *amici* are opposed to the imposition of criminal penalties upon prostituted persons, the victims whose bodies are bought and sold. The lack of options that impelled these victims into the sex industry in the first place is worsened, not remedied, by criminal prosecution. Conversely, *amici* are convinced that criminal and other sanctions must be used against the pimps and the buyers who derive profit, fund and perpetuate prostitution. Accountability for those who create the demand for prostitution and sex trafficking is one necessary component of a societal strategy for stopping the spread of the abuse.

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[51] *See* Jeffreys, *supra* note 38.

One approach that has proven effective to oppose prostitution and sex trafficking is the approach taken by the government of Sweden, where criminal penalties do not apply to the persons sold in prostitution but are directed against their pimps and the buyers.[52] The results to date have been salutary. Trafficking into Sweden has dropped by over half to statistically negligible numbers,[53] compared to the estimated 15,000 to 17,000 women and girls trafficked annually into neighboring Finland.[54] No other nation's efforts to combat prostitution and sex trafficking have come even close to Sweden's results: eighty percent of Sweden's people have come to support their country's policy, and the country's police and prosecutors have come to be among the policy's strongest supporters.[55]

Not surprisingly the Swedish approach to trafficking, now referred to as the Nordic model after its adoption by Norway and Iceland, has been criticized by organizations representing sex industry interests and working to legitimize prostitution as a form of work, as well as by the Global Commission on HIV and the Law in a report calling for the repeal of all laws prohibiting the pur-

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52 *See* Brottsbalken [BrB] [Criminal Code] 6:8 (Swed.).

53 Swedish Institute, *The Ban Against the Purchase of Sexual Services: An Evaluation 1999-2008*, at 7, 20 (2010), *available at* http://www.government.se/download/6dfbbdbd.pdf?major=1&minor=151488&cn=attachmentDuplicator_0_attachment.

54 *Sweden's Prostitution Solution: Why Hasn't Anyone Tried This Before?*, Women's Justice Center, http://justice-women.com/cj_sweden.html (last visited March 3, 2013).

55 *Id.*

chase of sex as well as for the decriminalization of brothels.[56] This position is in direct contradiction to the UN Trafficking Protocol and to the positions of the UN Committee on the Elimination of all Forms of Discrimination against Women, and UN Women, which have all called for countries to combat the demand for prostituted sex in order to prevent sex trafficking. In September 2012, the United Nations Women's Expert Group on Prevention of Violence Against Women and Girls issued a report stating:

> In countries that have decriminalized the sale of sexual services, provided comprehensive and rights-based services and justice responses for women in the sex industry who are victims/survivors of violence (and for victims of trafficking), and *criminalized those who purchase sexual services*, evaluations have found that those experiencing violence have better access to justice, redress and services; that there have been attitudinal shifts against the purchase of sex (particularly among young people); and, importantly, that it has significantly reduced sex trafficking and the involvement of organized crime in the sex industry.[57]

Ultimately, the only truly effective way to protect against the harms of the prostitution industry

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[56] Global Commission on HIV and the Law, *HIV and the Law: Risks, Rights and Health* (2012); UNDP, UNFPA & UNAIDS, *Sex Work and the Law in Asia and the Pacific* (2012).

[57] *Expert Group Meeting on Prevention of Violence Against Women and Girls*, UN Women in Coop. with ESCAP, UNDP, UNFPA, UNICEF, and WHO, Sept. 17-20, 2012.

is to assist its victims in getting out. Indeed prostituted people themselves know this. When a survey of 854 prostituted persons in nine countries asked the question "What do you need," the number one response—given by a staggering eighty-nine percent of respondents—was to get out of prostitution.[58]

C. Opposing the "legalization and practice" of prostitution and sex trafficking does not stigmatize persons in prostitution; rather, it affirms their basic dignity and human rights.

Respondents allege in their complaint to the district court that organizations working to combat HIV/AIDS cannot oppose prostitution without stigmatizing and alienating its victims.[59] Nothing could be farther from the truth. For *amici*, the ability to provide prostituted persons with comprehensive services, including HIV/AIDS prevention, is fully compatible with and even dependent on staff members' willingness to acknowledge the full spectrum of harms suffered by those in prostitution, to ally themselves with prostituted persons against those who have abused them, and to collaborate with persons in prostitution on developing the ability to build a life outside of prostitu-

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[58] Farley, *Prostitution and Trafficking, supra* note 10, at 34.

[59] *See, e.g.*, Compl. at 8 ("Both AOSI and OSI have, as their principles of governance, an adherence to the principles of an open society, including opposition to adopting any policy positions that would lead to the stigmatization of socially marginalized groups. Adopting a policy opposing sex work violates this principle.").

tion. This approach is far from "stigmatizing" to the victims of prostitution and reflects a profound opposition to the legalization of prostitution.

Service providers who champion the legalization of prostitution are unlikely to be able to provide the comprehensive services prostituted individuals require because a pro-prostitution policy reflects a fundamental blindness to the realities of the sex industry. In particular, such organizations are unlikely to be cognizant of the crucial fact that the prostitution industry feeds upon and reinforces existing forms of inequality and injustice, including gender inequality. As with other forms of gender-based violence such as domestic violence and rape, it is impossible to provide truly effective services to the victims of the violence without addressing the system of gender-based harm that underlies the injuries suffered by individual victims. Accordingly, organizations that do not recognize the inherent harms of the prostitution industry enumerated in Point A are poorly situated to meet the needs of people as disadvantaged, marginalized, and powerless as the prostituted victims the Leadership Act seeks to reach.

The fact that harm reduction work is most effectively conducted within a program designed to help the victims exit the sex industry is manifest from the work of several organizations that have pledged not to support legalizing prostitution. Breaking Free and Apne Aap are only two of many organizations whose work provides daily proof that it is possible to oppose prostitution without stigmatizing or alienating its victims, the individuals sold in prostitution. They demonstrate that harm reduction work is most effectively conducted

within a program designed to eliminate the harm, not perpetuate it.

Breaking Free is a social service agency that provides comprehensive services to assist women in escaping prostitution. Its offices are in pre-dominantly African-American neighborhoods in St. Paul and Rochester, Minnesota. Half of the staff are survivors of prostitution, as is the organization's founder and executive director.

Breaking Free helps victims of prostitution become survivors, overcoming the trauma of commercial sexual exploitation by providing services that include: education and information regarding HIV/AIDS and other sexually transmitted diseases; emergency provision of food, shelter, and medical care; treatment for drug addiction; education; counseling; family and parenting classes; job training; housing services; and health care. Ingrained in every aspect of these comprehensive services is an organizational commitment to understanding prostitution as a slavery-like form of exploitation for which the exploiters, not the victims, are blameworthy. Far from alienating prostituted women, this commitment creates the basis for a sustained, trusting relationship in which the difficult and painful work of rebuilding a life can take place.[60]

Apne Aap (which means "self help" in Hindi) is a community-based initiative of women in prostitution in India, founded in the red light district of Mumbai in 2002. Twenty-two women in prostitu-

[60] Vednita Carter, *Providing Services to African-American Prostituted Women*, 2 J. Trauma Prac. 213, 217-21(2003).

tion started this organization, with the aim of ending their own exploitation and preventing other women from being exploited through sex trafficking. Apne Aap prevents sex trafficking by building the capacity of girls, women and children in slums and red-light areas to organize in small groups that seek and get access to education, livelihood and legal protection. They support community-based initiatives that assist those trapped by the sex industry, mitigate the harms of prostitution, and prevent inter-generational prostitution.

While considering prostitution to be a form of violence against women, Apne Aap uses a harm-reduction model, providing services in a manner that is nonjudgmental toward, and supportive of, the women in prostitution. Apne Aap community centers provide a safe space for women in prostitution, with free weekly medical check-ups and sexual health awareness programs, as well as literacy classes and vocational training to help women acquire the skills they need to enable them to escape prostitution.[61] Women are not required to leave the sex industry in order to receive services. However, services are integrated with an ongoing commitment to helping women exit prostitution and are firmly grounded in opposing the prostitution industry.

For these groups and others listed as *amici*, opposing prostitution is the essence of what it means to champion the rights of those who have

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[61] *About Us*, Apne Aap, http://apneaap.org/index.php (last visited March 3, 2013).

been disadvantaged, marginalized, and made powerless as a result of prostitution. *Amici* strongly believe that, as with other forms of gender-based violence such as domestic violence and rape, it is impossible to provide truly effective services to the victims of the violence without addressing the system of gender-based harm that underlies the injuries suffered by individual victims.

Those basic human rights are recognized and advanced within the framework of international law, which recognizes that "prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person . . ." regardless of whether the victim "consents" or whether borders are crossed.[62]

Amici consider prostitution an abuse of human rights that is inextricably linked to sex trafficking within the meaning of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime ("Palermo Protocol"),[63] to which the United States is a party.[64]

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[62] Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, July 25, 1951, 96 U.N.T.S. 71, at preamble, art. 1.

[63] Palermo Protocol, *supra* note 7.

[64] U.S. Dep't of State, *Treaties in Force: A List of Treaties and Other International Agreements of the United States in Force on January 1, 2011*, at 432 (2011).

The Palermo Protocol sets the world standard for sex trafficking, defining it as:

> the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. *Exploitation shall include at minimum, the exploitation of the prostitution of others or other forms of sexual exploitation*, . . . slavery or practices similar to slavery . . . .[65]

The Palermo Protocol recognizes that prostitution and trafficking are inextricably linked, that neither legally turns on the non-consent of the victim, and that trafficking is about exploitation by a third party, not movement across jurisdictional lines.

The prostitution industry profits from human trafficking, commercialized sexual exploitation and commercialized rape in contravention of the Palermo Protocol and other universally recognized norms of international law. As a result, *amici* oppose sex trafficking and commercialized sexual exploitation within the framework of international law, and recognize and affirm the basic human rights and dignity of victims of prostitution.

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[65] Palermo Protocol, *supra* note 7, art. 3 (emphasis added).

D. Requiring organizations to have a policy "opposing prostitution and sex trafficking" should be interpreted to require groups to oppose the "legalization and practice" of prostitution and sex trafficking.

The Leadership Act places two restrictions on the distribution of U.S. funding for HIV/AIDS prevention programs. First, "[n]o funds made available to carry out this chapter or any amendment made by this chapter, may be used to promote or advocate the legalization or practice of prostitution or sex trafficking." 22 U.S.C. § 7631(e) (2006). Second, "[n]o funds made available to carry out this chapter, or any amendment made by this chapter, may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking . . . ." *Id.* § 7631(f).

Read together, the requirements of Section 7631(e) shed light on the meaning of Section 7631(f); that is, a policy "opposing prostitution and sex trafficking" should be read to require opposition to the "legalization or practice" of prostitution or sex trafficking. Nothing in the Leadership Act suggests that an organization receiving federal funds should stigmatize or criticize the persons who are sold in prostitution. Nor does the Act suggest that organizations must advocate criminalization of these victims.

Amici of Respondents in the court below have argued that Section 7631(f) is effectively a gag order, preventing them from engaging in any work with prostituted persons for fear of losing their

funding. They argue that internationally lauded anti-AIDS programs have lost their funding as a direct result of the policy requirement, naming programs that include HIV prevention initiatives, clinical services for prostituted people; the distribution of condoms; and campaigns to end violence against prostituted persons.[66]

These claims have not been substantiated, and funding could have been lost for a myriad of reasons. However, to the extent that there is any correlation, this is an issue of implementation, not of the requirement itself. Section 7631(f) does not bar providing services to victims of prostitution and sex trafficking. In fact, Congress specifically directed that educational efforts concentrate on high-risk populations, "including those exploited through the sex trade . . . ."[67] Providing health services or condoms to victims of prostitution and sex trafficking is similarly not barred.

Further, it is somewhat incongruous that Respondents basically ignore that the requirement applies to sex trafficking as well as prostitution. Nowhere do Respondents argue their right to educate on best practices for cross-border trafficking safety, or to train trafficked victims on how best to negotiate working conditions with their traffickers.

By explicitly linking opposition to prostitution with opposition to sex trafficking, the Leadership Act refers to practices carried out by those who

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[66] Brief for the American Humanist Ass'n et al., *supra* note 35, at 16-22.

[67] 22 U.S.C. § 2151b-2(d)(3)(A).

exploit others for commercial sex, not to the victims of that exploitation.[68]

Amici are firmly opposed to placing criminal penalties or stigma of any kind upon prostituted persons, those whose bodies are bought and sold. The lack of options that impelled victims of prostitution to enter the sex industry in the first place is worsened, not remedied, by criminal prosecution.

Amici's position in this brief, and our contention that there are sound justifications for the provisions of the Leadership Act, are absolutely conditioned on a finding that Section 7631 does *not* require such stigmatization, criticism, or criminalization.

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[68] Moreover, the USAID policy on prostitution and trafficking sets forth a standard provision for a grant, cooperative agreement, or subagreement, which explicitly approves the use of harm-reduction techniques to assist persons in prostitution. It reads as follows:

> The U.S. Government is opposed to prostitution and related activities, which are inherently harmful and dehumanizing, and contribute to the phenomenon of trafficking in persons. None of the funds made available under this agreement may be used to promote or advocate the legalization or practice of prostitution or sex trafficking. Nothing in the preceding sentence shall be construed to preclude the provision to individuals of palliative care, treatment, or postexposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

USAID, *Implementation of the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, as Amended - Eligibility Limitation on the Use of Funds and Opposition to Prostitution and Sex Trafficking*, Acquisition & Assistance Policy Directive 05-04, Amendment 3 (Apr. 13, 2010).

Amici's combined experience teaches that "opposing prostitution" means extending empathy and assistance to prostituted persons, while requiring accountability for pimps and johns, and decrying—and working to stop—the harmful industry that pimps and johns perpetuate. Accountability for those who create the demand for prostitution and sex trafficking is one necessary component of a societal strategy for stopping sex trafficking and related forms of commercial sexual exploitation. Without demand, *amici* contend, there is no supply.

We believe that the purpose of Section 7631(f) will be best served if the United States clarifies its implementation in a manner that is consistent with the above-stated principles. Moreover, we urge the Court to interpret and apply Section 7631(f) in this light.

E. Sections 7631(e) and (f) were enacted in the wake of specific abuses documented prior to the passage of the Leadership Act.

The requirement of a "policy explicitly opposing prostitution and sex trafficking" was enacted, not in a vacuum, but in the wake of specific abuses by certain organizations that have used HIV/AIDS-prevention funds to support their own efforts to promote legalization of prostitution and acceptance of prostitution as legitimate employment for poor women. The requirement in Section 7631(f) is justified as a way to ensure that HIV/AIDS-prevention funds are used to support programs that distribute condoms and provide health services, while seeking to eliminate prostitution rather than perpetuate it.

A vivid example of such an abuse is an organization in South Africa called SWEAT (Sex Workers Education and Advocacy Taskforce), in which the pro-prostitution "advocates" and the sex industry have been one and the same. SWEAT received funding to do HIV/AIDS-prevention work in AIDS-ravaged South Africa and used the funds not only to distribute condoms but to advocate decriminalization and legalization of the sex industry.[69] In 1995, SWEAT distributed a pamphlet whose goal was to "assist you in your career in the [sex] industry."[70] Funded with HIV/AIDS-prevention monies, SWEAT offered training in "sexual massage."[71]

The Tab Bazar brothel in Bangladesh is another example of an organization that perhaps helped prostituted persons in some small measure, but in reality, perpetuated the sex slavery of vulnerable women and children.[72] The brothel does in fact provide services for prostituted persons: condoms, HIV treatment, postnatal checkups, and gynaecological care.[73] Yet the brothel, the largest in Bangladesh, locks women and their children inside, "constantly available for purchase but out of public view."[74]

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69 Farley, *Prostitution Harms Women*, *supra* note 27, at 1113.

70 *Id.*

71 *Id.*

72 *Id.* at 1114.

73 *Id.*

74 *Id.*

Against this backdrop, it is even clearer that the United States has compelling reasons to adopt a policy that requires organizations combating HIV/AIDS through work with prostituted persons, to oppose prostitution and sex trafficking.[75] Organizations advocating the legalization of prostitution are promoting the interests of the commercial sex industry and, in cases such as the ones cited above, *are* the sex industry.

The United States has an interest in ensuring that federal money is spent on organizations that, while addressing HIV/AIDS's harm, will simultaneously attack the source of that harm, not defend it. In light of the extensive evidence of the devastation caused by prostitution and sex trafficking, this interest is truly a compelling one.

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[75] Indeed, in an action filed in the United States District Court for the District of Columbia, in which the plaintiff's claims are similar to the ones at issue here, the plaintiff is DKT International. DKT International's president is Phil Harvey, who runs a multi-million dollar pornography business. Complaint at 10-11, *DKT Int'l, Inc. v. U.S. Agency for Int'l Dev. et al.*, 435 F. Supp 2d 5 (D.D.C. 2005) (No. 05-01604); *U.S. Man's Porn Sales Helping Fight AIDS Overseas*, Associated Press, Oct. 10, 2005, http://ww1.aegis.org/news/ap/2005/AP051016.html.

CONCLUSION

As organizations led by, informed by and serving the survivors of, prostitution, *amici* submit this brief in support of a principle that is fundamental to our work: service providers can effectively help individuals in prostitution by providing harm-reduction measures such as condom distribution in the short term, while calling the prostitution industry a system of abuse and helping prostituted persons escape it. This pro-victim, anti-industry approach that guides *amici* also guides the legal method whose effectiveness has been proven in Sweden, where criminal penalties apply not to prostituted individuals but to those who buy and sell them.

We respectfully urge the Court to consider that organizations can oppose the prostitution industry without stigmatizing the individuals bought and sold in it, and Section 7631(f) of the Leadership Act, 22 U.S.C. § 7631(f), should be read to require just such an approach. We respectfully submit to the Court that Section 7631(f)'s requirement to "oppos[e] prostitution" in no way requires or would cause the stigmatization of the victims of prostitution. Quite the opposite: helping victims while opposing the industry that exploits them, is the best way to prevent HIV/AIDS, the best way to advance human rights, and the best way to fulfil the intent of the Leadership Act.

Respectfully submitted,

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